

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE; and
MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in his
official capacity as Acting Secretary of the
United States Department of Homeland
Security; and MATTHEW ALBENCE, in his
official capacity as Acting Director of U.S.
Immigration and Customs Enforcement,

Defendants.

Civil Action No. 1:20-cv-11283-ADB

**ORAL ARGUMENT SCHEDULED
JULY 14, 2020 3:00 PM**

**NOTICE OF CONVERSION AND
MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a) and 5 U.S.C. §§ 705 and 706, and as discussed during the July 10, 2020 status conference, Plaintiffs hereby provide notice to the Court and all parties of their intent to convert these proceedings into preliminary injunction proceedings and hereby move for a preliminary injunction prohibiting Defendants from enforcing the policy announced in United States Immigration and Customs Enforcement's July 6, 2020 Directive (ECF No. 1-1) and from promulgating that policy as a Final Rule during the pendency of this litigation.

The grounds for Plaintiffs' motion are set out in the memorandum, declarations, and exhibits filed in support of Plaintiffs' Motion For A Temporary Restraining Order (ECF Nos. 4,

5, 6, 7, 8, and 9). Specifically, the Directive is contrary to law, arbitrary and capricious, and an abuse of discretion. 5 U.S.C. § 706. It is also procedurally defective under the Administrative Procedure Act. *Id.* § 553. Plaintiffs will suffer immediate and irreparable harm in the absence of the requested relief.

Plaintiffs ask the Court to enter an order enjoining Defendants, their officers, agents, and employees, and anyone acting under their authorization or direction, or in concert with them, including other federal agencies and federal contractors, from implementing or enforcing the July 6, 2020 Directive, including at all U.S. borders and ports of entry, and in the processing of visas, and with respect to all visa holders and applicants affected by the Directive, wherever located.

A proposed preliminary injunction is attached.

Dated: July 10, 2020

Respectfully submitted,

/s/ Felicia H. Ellsworth

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RULE 7.1(A)(2) CERTIFICATE

I, Felicia H. Ellsworth, hereby certify that on July 10, 2020, counsel for Plaintiffs provided notice to and attempted to confer in good faith with counsel for the Defendants to discuss whether it would be possible to resolve or narrow the issues that this Motion presents.

/s/ Felicia H. Ellsworth
FELICIA H. ELLSWORTH

CERTIFICATE OF SERVICE

I, Felicia H. Ellsworth, counsel for Plaintiffs, hereby certify that this document has been filed through the Court's ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Felicia H. Ellsworth
FELICIA H. ELLSWORTH